

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CORRECTIONS STANDARDS AUTHORITY

**REGARDING THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART I, CHAPTER 13, SECTION 13-102
AND PART II, CHAPTER 12, SECTION 1231**

Minimum Standards for the Design and Construction of Local Detention Facilities

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of EACH adoption, amendment, or repeal and the rational the determination by the agency that EACH adoption, amendment, or repeal is reasonably necessary to carry out the purpose for which it is proposed.)

Part I

Section: 13-102

13-102 (a) DEFINITIONS.

This regulation defines terms used throughout these regulations. To provide clarity and consistency to these regulations, five have been amended, and one has been deleted.

Due to legislative change, the terms "Board" and "Board of Corrections" have been replaced with "Corrections Standards Authority" in the following definitions:

- ALTERNATE MEANS OF COMPLIANCE
- BOARD
- PILOT PROJECT

Proposed revisions modify the definition for "CONTACT" to ensure consistency with related state and federal statutory definitions and requirements for contact; there is no operational change to the regulation.

Proposed revisions add the term "lockup" to the definition for "LAW ENFORCEMENT FACILITY." The term lockup had been inadvertently omitted from previous regulations; this revision is consistent with relevant state statute and regulations.

The definition for INMATE WORKER has been deleted; other regulatory reference to this term has been deleted in relevant Title 15 regulations and the term is no longer germane.

13-102 (b) EXCLUSIONS

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

13-102 (c) 1. LETTER OF INTENT

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

13-102 (c) 2. NEEDS ASSESSMENT STUDY

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

13-102 (c) 3. OPERATIONAL PROGRAM STATEMENT

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

13-102 (c) 4. TYPE III AND TYPE IV FACILITIES IN EXISTING BUILDINGS

The proposed revisions reflect legislative action, replacing Board of Corrections with Corrections Standards Authority. There is no operational impact.

13-102 (c) 5. SUBMITTAL OF PLANS AND SPECIFICATIONS

The proposed revisions reflect legislative action, replacing Board of Corrections with Corrections Standards Authority. There is no operational impact.

Proposed revisions also delete the requirement that a copy of the plans will be forwarded by the Board to the State Fire Marshal for review. Due to budget cuts, the CSA no longer forwards plans to the State Fire Marshal for review; it is now the responsibility of the individual agency to forward plans.

13-102 (c) 6. DESIGN REQUIREMENTS

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

Proposed revisions also add Title 24, Part II to Section (B) 1 of the regulation to update the appropriate regulatory cite. State Fire Marshal fire safety regulations are currently located in Title 24, Part II as well as Title 19.

Proposed revisions update the reference to the California Retail Food Code in Section (B) 3. This revision is consistent with replacement of the California Uniform Retail Food Facilities Law.

Proposed revisions delete the term "comfortable" in Section (B) 6; since this is a subjective term it may be difficult to design a heating and cooling system that is comfortable to everyone. The regulation continues to require heating and cooling systems to be designed consistent with regulations.

The requirement for a sewage system that is capable of addressing items that may impact wastewater systems was added to Section (B) to ensure that sewer system design take into consideration the potentially damaging items that may be flushed in a detention facility. Several local jurisdictions have opposed certain construction and design because of impact to local waste water systems; this regulation will emphasize that agencies consult with local representatives to ensure that waste water systems are not negatively impacted by a detention facility's sewage system.

13-102 (c) 7. PILOT PROJECTS

The proposed revisions reflect legislative action, replacing Board of Corrections with Corrections Standards Authority. There is no operational impact.

13-102 (c) 8. ALTERNATE MEANS OF COMPLIANCE

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

Proposed revisions also add a portion of the regulation that was inadvertently deleted during the recent code adoption cycle. There is no operational impact.

Part II

Chapter 12, Section 1231

1231.1, DEFINITIONS

The proposed revisions reflect legislative action, replacing Board of Corrections with Corrections Standards Authority. There is no operational impact.

Revisions also include changing the term “is” after LOCAL DETENTION FACILITY to “means” to be consistent with other regulations.

1231.2.5, SAFETY CELL

Proposed revisions delete the term “and” following sections (5) and (6); this corrects a grammatical error. There is no operational impact.

1231.2.22, AUDIO MONITORING SYSTEM

Proposed revisions specify areas where audio monitoring is required; these changes provide clarity. Revisions also require that audio monitoring systems terminate where staff can respond immediately, deleting reference to a central control point. This revision will ensure that inmates can communicate with staff who are likely to immediately respond in an emergency.

1231.3.12, WEAPONS LOCKER

Proposed revisions delete unnecessary language; the current requirement is in conflict with Penal Code Section 4574 and is overly restrictive.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

The Corrections Standards Authority (CSA) did not rely on any technical, theoretical or empirical studies, reports or similar documents in proposing the adoption of these regulations.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency’s reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate)

No other alternatives were presented to or considered by the CSA when proposing the adoption of these regulations.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

The CSA has determined that the proposed regulatory action will not affect small business, because the scope of these regulations is specific to the operation of local detention facilities.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

(Government Code Section 11346.2(B)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies in to support an initial determination that the action will not have a significant adverse economic impact on business)

The CSA is not aware of any significant adverse impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 113465.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives)

The CSA did not identify any duplicate or conflicting federal regulations.